

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 26, 2017**

Meeting called to Order by Vice-Chairman Barthelmes at 7:31 p.m.

Reading of Adequate Notice by Secretary D'Andrea.

Salute to the Flag and observance of a moment of silence for the troops.

Roll Call: Present - Barthelmes, Mostyn, Ferro and Frost
Late - Conoscenti (8:17)
Absent - Morelli, Lambros, Ferrara and Novellino

APPROVAL OF MEETING MINUTES: June 28, 2017

The Board having reviewed the Meeting Minutes, Vice-Chairman Barthelmes asked for a Motion and a Second. Mr. Ferro made a Motion to approve the Minutes and Mr. Frost offered a Second. Roll Call Vote: Ferro, Frost, Mostyn and Barthelmes voted yes to approve.

Z16-5-10 LENZO FAMILY, LLC- Block 17, Lot 8.06, known as 595 State Highway 33 with 6.39 acres located in the HC Zoning District and 6 acres located in the PCD Zoning District. Applicant received Minor Subdivision, Lot Consolidation and Preliminary Major Site Plan Approval in Resolution dated 2-22-17. Applicant returns for Final Major Site Plan Approval to construct a 50,466 s.f one-story building and develop the site with a recreational vehicle dealership for sales, service and display of RV's. No noticing required.

Attorney Vella explained that the Board had previously granted use variance and preliminary major site plan approval and minor subdivision approval. He explained that the applicant had satisfied the conditions of Preliminary Major Site plan approval and are before the Board for presented their Final plan.

Attorney Vella read the following exhibits into evidence:

- A-1 Preliminary and final Site Plan for New Lot 8.06 prepared by Crest Engineering dated 10-7-16, last rev.2-27-17
- A-2 Architecturals prepared by Perez & Radosti dated 6-1-17
- A-3 Material Sample Board
- A-4 Sample Flex-on Aluminum Doors
- BOA-1 DRCC Approval Letter Dated 6-14-17

- BOA-2 Monmouth County Planning Board Final Approval 7-10-17
- BOA-3 Planner Report dated 7-17-17
- BOA-4 Resolution Granting Minor Subdivision and Preliminary Major Site Plan Approval Memorialized on 2-22-17

Attorney Peter Klouser representing the applicant this evening.

He advised that the lot is now known at Lot 8.06 due to the perfection of the minor subdivision consisting of the former Bridar properties and a portion of the Hom property.

Mr. Klouser went over the status of the outside approvals as well as the Board Planner Report and provided the status of the approvals.

Attorney Vella swore in Peter Strong, P.E. of Crest Engineering. The Board is familiar with his credentials and accepts him as a professional engineer.

Mr. Klouser went over the Preliminary Site Plan Resolution that was memorialized and reported what conditions approval have been satisfied.

Mr. Strong advised that they met with the Shade Tree Commission. He advised that the applicant has satisfied the Commission's requirements with additional landscaping and installation of a fence around enhanced landscaping.

Mr. Strong advised that they met with the Millstone Township Fire Department and have revised the plans to meet their recommendations, including the dry hydrant.

Mr. Strong has resubmitted the revised plans. The lighting was changed to LED per the preliminary condition. He reported that the lights go on at dusk and all lights shut off except for security lights that go off 30 minutes after closing. The lights above the doorways remain on for security purposes. Mr. Strong advised that the applicants' plan for the light poles is to leave the lights on that are located in the immediate vicinity of the building with 50% intensity and outer area 25% intensity for security purposes. Vice-Chairman Barthelmes asked how many lights is the applicant talking about. Mr. Strong advised that there will be 10 around the building and 32 lights on the entire site with 22 lights at 25% intensity.

Board Engineer Shafai stated that the 50% is new and stated that the professionals did not receive the plans to reflect that.

The Board asked about the neighboring bank lights. Mr. Strong stated that they seem to be halogen lights that shine outwards and added that the applicant will have new and modern shoebox fixtures that are lower and face downward.

The Board asked if the applicant requires a waiver for what they are requesting and both the Board Engineer and Planner advised that no waiver is needed.

Board Planner Heyer advised that sometimes a Town approves the lights on a trial basis and he explained.

Mr. Strong showed the Board the location of the proposed generator location on the plan. The plan are to be revised to reflect that the lights will shut off 30 minutes after closing and then the lights go into security mode lighting.

Attorney Vella swore in Architect Steve Radosti who is known to the Board and is accepted as an expert witness.

Mr. Radosti went over the plan.

The Board discussed the application. Attorney Vella read the conditions of approval should the Board vote in the positive for granting the application including but not limited to: Compliance with the conditions of Preliminary approval, the applicant shall shut the lights off to the sign at closing the lighting plan is approved for 6-months after the certificate of occupancy and have Engineer Shafai review the affects of the lighting plan and modify if necessary concerning the level of intensity, etc.

Mr. Frost made a Motion to approve the application as conditioned and Mr. Mostyn offered a Second. Roll Call Vote: Frost, Mostyn, Ferro and Barthelmes voted yes to approve.

Z-17-06A NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS

Block 17, Lot 4 located at 663 Highway 33 consisting of 2.428 acres in the Highway Commercial (HC) Zoning District. Applicant seeks bulk variance approval to co-locate to an existing first priority wireless communication facility.

Mr. Mostyn has a conflict and steps down for the hearing and leaves the building.

Attorney Vella explained that the Applicant filed an application for Administrative Approval for co-location at a first priority site. He explained that the State of New Jersey and the Township encourage co-location. He explained that there are limitations as to what the applicant can do. He advised that the Township Zoning Officer denied the Administrative Approval because he found two minor variances were associated with the approval.

Attorney Vella stated that the applicant appealed the Zoning Officer's denial for the administrative approval but has now removed the appeal and the Board will be considering the bulk variance application.

Attorney Lynn Dunn representing the applicant.

Attorney Vella entered the following Exhibits into evidence:

- A-1 Jurisdictional packet
- /A-2 Application dated 6-7-17

- A-3 Web Notice posted 7-13-17
- A-4 Survey prepared by E2 Project Management, LLC. dated 12-6-16
- A-5 Site Plan prepared by E2 Project Management, LLC. dated 1-13-17, last rev. 5-30-17
- A-6 Aerial dated 4-16-16
- A-7 EIS prepared by E2 Project Management, LLC. dated 6-1-17
- A-8 Application for transition waiver redevelopment plan (page 1 only of 108 pages) prepared by prepared by E2 Project Management, LLC. dated February 2017
- A-9 Ten (10) color photos of the site taken 1-25-17 by Verizon
- BOA-1 Zoning Officer Denial of Application dated
- BOA-2 Engineering Report dated 4-7-17
- BOA-3 Planner Report dated 6-30-17

Ms. Dunn offered her first witness, Mr. Alex Moss who is the site acquisition consultant. Attorney Vella swore in Mr. Moss as a fact witness.

Mr. Moss located a this first priority site for Verizon. He advised that Crown is the manager of the telecommunication facility at this location and all communications must go through Crown.

Attorney Vella advised that the Board has heard other cell tower applications and asked that he focus on the fact that this is an existing cell tower and the Board needs to look at and consider the bulk variance request and see what the site plan issues are on this first priority location.

Attorney Vella swore in Michael L. Webster, P.E. He provided his educational background including receiving his B.S. degree in electrical engineering from Drexel University. He advised that he is employed by Vcomm and for the past 12 years has been involved in radio frequency engineering and network engineering in the wireless industry and is familiar with FCC rules and regulations. The Board accepts him as an expert witness.

Mr. Webster explained what is existing at the site including T-Mobile has 9 antenna and one parabolic and Sprint has 6 antenna. They are proposing to install 12 antenna at the site.

Mr. Webster explained that the addition is well below the federal limits and he explained. He advised that the applicant is before the Board because they have changed something that triggers a variance. He advised that the new equipment looks similar to what is there.

Attorney Vella swore in James Murawski, P.E. Mr. Murawski received his bachelors of science from Manhattan College and has 35 years of experience in the field, the last 10 years he has worked for Verizon. He has testified before many Boards in the past.

He explained that the site is long and narrow, located at the southeast corner and has environmental constraints at the property line.

Referring to the enlarged plan, he shows the Board where the property and existing equipment compound is located. He explained that two carriers, Sprint and T-Mobile, are on the pole with equipment located at the grade. The pole is surrounded by a an 8-ft chain-link fence. The Pole is 150 ft. in height. Mr. Murawski stated that Verizon wants to occupy the third position on the pole. He stated that the lot is comprised of short-term storage of construction equipment and a hodgepodge of storage. The property was, at one time, for the storage of boats.

Mr. Murawski discussed the existing drainage structure location limits where they can construct. They could not build on top of the drainage feature. They have to be located on the other side of the drainage area so they came up with a resolve not to encumber this area.

Mr. Murawski stated that there is quite a bit of activity onsite. The owner wants to maintain a circulation route, which limits where the applicant can locate their compound. Verizon's compound is larger than the other compounds that are on site presently. Verizon is the only carrier who permanently installs an emergency generator fed by liquid propane.

Requirements of the site grow because the propane requires a larger area due to the potential to spark.

A 12' x 25' elevated steel structure will to keep it out the snow. The equipment cabinets and emergency generator are located there. There is a canopy to protect the equipment and technicians from weather. The MESA cabinet is a junction box with a telephone and that is located there as well. Due to the size, the applicant is deficient in the rear yard setback. To the south, the lot is unoccupied, heavily wooded, and located in the Rural Preservation (R-UP) Zone.

The impervious coverage is 68.85 existing. There is 235 sf. added impervious, going from 68.85% to 69.07%. They are proposing to make that up elsewhere on the site.

Referring to the elevation, Mr. Murawski illustrated the location of the Verizon 12 antennas and 12 RRH Units. The Verizon antennas would be installed on the tower 131 feet above grade. The generator is to provide emergency power in the event of a power outage. For short term, they do have battery back-up. He explained how the generator works. The generator is exercised weekly, on Monday or Tuesday, from a remote location. It is within the noise criteria for the State of New Jersey. The 500-gallon propane tank is serviced as needed.

The applicant will match the 8-foot chain link fence that is there presently. The property is fenced and gated. The compound is gated as well and the applicant has an access agreement with the property owner. Lighting is not normally on. There are 4 down lights on a timer switch that are located under the canopy. Other carriers do not have a generator on site. The propane tank has a 3-day run time.

Addressing signage, the applicant advised that signs are visible from the highway. Attorney Dunn advised that only signs mandated by the FCC are on the site. There are warning signs in case of an emergency. The generator runs 30 minutes.

Engineer Matt Shafai asked for clarification of the increase in lot coverage. The applicant advised that there is actually a 235 s.f. reduction, 0.2%. Engineer Shafai advised that must be placed on the plan. Mr. Shafai asked about the removal of a container and requested that the plan reflect where this is going to be placed. The applicant agreed.

Ms. Dunn stated that the NJDEP wetland delineation has been applied for but not received yet.

Engineer Shafai asked if they have to be located to close to the drainage ditch. There is a plan approved in 1998 that addresses the drainage ditch buffer. He stated the ditch is 25 to 50 feet wide. Over the years, that ditch size has decreased. Mr. Murwaski stated that the drainage ditch is gone and a concrete culvert is located there now. He stated that they are not exacerbating any issues that have already been exacerbated. Engineer Shafai should deal with property owner to see why this has been reduced. Mr. Murwaski agreed.

If the Board approves the application, they must reduce the overall the lot coverage to what is existing and that would be a 235 s.f. reduction. They must show where the container is going and the relocation cannot increase impervious coverage.

Planner Heyer stated that if we can resolve the impervious coverage variance, then the rear yard variance is the only variance they are dealing with.

Regarding the landscape screening requirement, Mr. Murawski stated that they did not propose any landscaping feeling that the site is approximately to 550 ft. away from Route 33 and out of visual site. He stated that no neighbors are to the rear of the lot that have visual site and the area is located under tree canopy.

Engineer Shafai stated that the plantings were required in 1998 when the plan was approved. The plantings still exist but their condition is not known at this time.

Mr. Murawski steps down.

Attorney Vella swore in David Karlebach, P.P. Mr. Karlebach presented his credentials including he has earned his Masters in city and regional planning. He stated that he has testified before this board and is accepted as an expert.

Mr. Karlebach explained how he had prepared for this plan. He offered that one variance is being requested for rear yard setback. He explained that 75 feet is required and the applicant can only provide 36 feet. He stated that there are encumbrances on this portion of the property. Mr. Karlebach stated that there is the monopole and two existing equipment compounds on the same side of the monopole, wetlands and access easement. He explains the difficult situation in adding their compound. The cabinet is located 15 feet away from the rear setback.

He explains that there is 500-foot of woodland area and a nearest structure is the Bright Meadows riding structure. A preserved farm is located behind the subject lot..

Mr. Karlebach stated that there is no proposal to increase the height of the tower. He stated that very little water or sewer or electric is needed. He stated that there is no substantial impact to the zone plan. This is an existing site.

He explained that this project advances all of the purposes of the wireless ordinance to minimize the number of towers erected and the like. He stated that State and Federal laws encourage co-location.

Mr. Karlebach explained that a C variance is needed for the for rear yard setback. He offered that there is no negative impact to approving this variance and explained.

The Board asked where the nearest Verizon tower was located and Mr. Webster stated closet tower was located 2.5 miles from this site on Route 33.

Mr. Ferro asked about a coverage problem. Mr. Webster stated that the coverage is designed to have small overlaps in coverage.

Attorney Vella entered into Evidence, Exhibitst A-10 Radio Frequency Plan with Overlays. The exhibit represents the location of Verizon wireless co-locations and the area of gap in service along Route 33 along Prodelin Way and North along Perrineville and on Millstone Road south east of the site.

Entered into Evidence is Exhibit A-11 Radio Frequency Plan with Proposed Location.

Vice-Chairman Barthelmes opened the application at 9:22 p.m. and seeing no public comment, he closed the public portion at 9:22 p.m.

Ms. Dunn provided a summarization of the application.

Mr. Conoscenti sees no issue with a commercial site where you cannot see the structure that is located in back of property. He also felt that improvement of service is a plus.

Mr. Ferro asked if the chosen location was the only place on the property where the compound could be located. The applicant advised that this is not the only spot on the property where the compound could be located but the property owner does not want them anywhere else. They have to be located as close to the pole as possible in order to be efficient.

Vice-Chairman Barthelmes agrees with Mr. Conoscenti.

Attorney Vella read the conditions of approval should the Board vote positively for the application, including but not limited to: the applicant shall reduce the project by 235 s.f. and provide the location on the plan prior to the certificate of occupancy and remove and relocate the canister on the plan and provide the new location, the applicant cannot increase the impervious coverage or remove it from the site, the applicant shall secure the NJDEP permit, the applicant shall comply

with the NJDEP noise standards, the Board professionals shall approve the changes on the plan, the applicant must get a permit for the propane tank.

Mr. Conoscenti Made a Motion to approve the application as conditioned and Mr. Frost offered a Second. Roll Call Vote: Conoscenti, Frost, Barthelmes and Ferro voted yes to approve the application.

The Resolution shall be memorialized at the August Meeting.

Seeing no new Business or Old Business, Vice-Chairman Barthelmes asked from a Motion to Adjourn. Mr. Frost made the Motion to Adjourn, Mr. Conoscenti offered a Second and by unanimous vote, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Pamela D'Andrea